

"A shocking report.

It is outrageous that staff and pupils are still dying from being exposed to asbestos in schools.

ATL has been campaigning about this for years. Action must be taken by the Government now."

Mary Bousted, ATL General Secretary



"This report is shocking yet sadly comes with little surprise. Asbestos is lethal.

The NASUWT has repeatedly stated it is unacceptable that children and the workforce are being put at risk as a consequence of a failure to put in place mechanisms which monitor compliance with important legislative provisions. It is equally unacceptable that there is no coherent funded national plan for the systematic removal of asbestos from schools.

The NASUWT will continue to fight for these provisions to be enacted at the earliest opportunity."

Chris Keates, NASUWT General Secretary



"Asbestos, as is now very widely known, is indeed a silent killer.

I am proud of the work that the NUT has done to expose this fact and to harry those who bear a responsibility to do something about it.

No group of education union members has been more active on this front than those in Brent. I commend their efforts and this report.

I urge you to read it with attention and then step up to engage ever more closely in this life and death campaign".

Christine Blower NUT General Secretary



"Voice is deeply concerned that many school staff are unaware of the location of asbestos in their schools, and therefore of the risks of exposure for them and pupils should any part of the building be damaged.

"We need to raise the awareness of the whole education team to the dangers of asbestos and how it should be managed, and how to challenge asbestos management practice."

"We would like to see a nationwide register of asbestos use in school buildings."

Deborah Lawson, Voice General Secretary



"GMB strongly welcomes this timely report on the successive failings of Brent council to properly manage asbestos in schools. The report is required reading for anyone who manages, works in, or has children at, school.

It must be remembered that it is not just teachers and pupils that are exposed to asbestos but all support staff from cleaners to cooks to teaching assistants. The situation in Brent is not unique, and the recommendations made in the report must be implemented across the UK. The case for proper, planned, phased removal of all asbestos from all schools has never been stronger."

Dan Shears, GMB National HS&E Director



Asbestos management in Brent Schools: local and national implications

How can we protect our children from this silent killer?

A Brent Joint Unions Report: The Short Report

"There will always be a danger as long as the silent killer asbestos is found where someone could be exposed it. In the UK alone, we have already witnessed the tragedy of 60,000 deaths from mesothelioma and a further 90,000 people are expected to die from the effects of past asbestos exposure.

We must protect workers, our children and future generations from the risk of exposure to deadly asbestos. This important report, which reinforces the need for a new asbestos eradication law, should be required reading for government ministers and result in urgent action.

Only through the safe, planned removal of all the asbestos which still remains in place across UK, will the deadly menace of asbestos be lifted from future generations."

Len McCluskey, Unite General Secretary



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Undoubtedly Michael Lees MBE was the inspiration and driving force behind this report. Without his detailed research, constructive criticism, knowledge, drive and determination Sarah Bowman would not have been succeeded in finding the evidence that underpinned her successful claim and this report could have not been written.

Asbestos management in Brent Schools: Local and National implications

INTRODUCTION

At the heart of this report is the shocking story of how a Brent child, Sarah Jane Bowman, became exposed to asbestos whilst a pupil at school and many decades later at the age of only 40 years developed mesothelioma.



SARAH JANE BOWMAN

Sarah attended two Brent schools (Braintcroft Primary School 1973-79; William Gladstone School 1979-1984).

Brent Council had not kept asbestos data for William Gladstone but the necessary evidence of asbestos exposure was produced by the unions and a settlement was therefore reached between Brent Council and Sarah in 2012. Brent Council did not require Sarah to prove breach of duty i.e. they admitted negligently exposing Sarah Bowman to asbestos. See full report pages 15-21.

This report details the evidence that shows how some Brent pupils were potentially exposed to asbestos. They include Sarah's eldest son who was taught in the same crocidolite paneled classroom hut as his mother at Braintcroft School. Crucially the report shows that the situation in Brent schools is being replicated across the country largely because of the government failure to require asbestos surveys and risk assessments that identify all the asbestos that can be disturbed by normal school activities.

Finally, the report outlines what positive steps the Council, Government and Health and Safety Executive (HSE) can and should urgently take to make our children safe.

CONTEXT

The UK has the highest incidence of mesothelioma in the world and unlike the USA it is steadily increasing. More people in the UK die from mesothelioma than from road accidents.¹

Mesothelioma is triggered by asbestos and there is no known safe level of exposure.

Children are more vulnerable to asbestos and Professor Peto, a leading epidemiologist, has estimated that 200-300 former pupils will die each year simply because they were exposed to asbestos in their schools during the 1960s and 1970s. Most of this asbestos is still in place because of government policy to manage rather than remove it. Currently 86% of schools contain asbestos.

¹ HSE Occupational, domestic and environmental mesothelioma risks in Britain. 2009 . IMIG Congress Abstract 25-27 Sep 2008

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The HSE advises that asbestos is safe in schools so long as it is not disturbed. However, much concern has been expressed that many pupils are being exposed to disturbed asbestos despite the apparently more stringent asbestos regulations in force since 2004.² See full report '*Ineffective asbestos management is a national problem*' page 54 onwards.

APPROACH

The asbestos incidents described in this report include asbestos incidents at Sarah's schools whilst she was attending them (1973-1984) and after she left i.e. Braintcroft School Block 5 (2004-2008) and William Gladstone School (1992).

This report also investigates other asbestos incidents at a variety of other Brent schools: Sladebrook High in 1984 and 1987, Hay Lane School (2004-2009) and Willesden High School (2000). These schools were investigated at the time of each asbestos incident by one or more authors of this report in their Union Health & Safety Representative or Adviser role. In all cases, apart from Braintcroft School, one of the authors was employed to teach at the school and so there is no particular reason to believe that the schools investigated were different to other Brent schools.

SUMMARY OF FINDINGS

The union investigation regarding the five Brent schools outlined in the full Report reveals appalling findings: breaches of the asbestos regulations, failures to make or keep records of asbestos exposure, evidence of serious deception and attempted cover up, no proper bidding or overseeing of asbestos contracts or contractors, and the known exposure of pupils and staff to blue and brown asbestos in a highly friable condition being allowed to continue.

The evidence showed that significant asbestos exposure of pupils occurred in the 1970s and 1980s whilst Sarah was attending school and in all the schools investigated in the 1990s and 2000s.

In particular:

1. Sarah was probably exposed at William Gladstone School to *significant* amounts of amosite asbestos when ceiling tiles and walls were *disturbed* by pupil activities and by contractors accessing the services e.g. electricity via the false ceilings. This was in contravention of the contemporary guidance and regulations for asbestos management as well as the London Borough of Brent's own asbestos policy. See full report '*How was the asbestos disturbed*' page 16.

² All-Party Parliamentary Group on Occupational Health & Safety. *Asbestos: The Need for Action 2014*

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2. Sarah was also probably exposed earlier to crocidolite asbestos when asbestos was disturbed by normal classroom activities that also included pinning display work onto the soft, crocidolite Millboard paneled walls of her Classroom hut (Block 5) at Braintcroft Primary School (1974-79).
See full report page 20-21.
3. Investigation of William Gladstone 1992 after Sarah left, and other Brent schools (Sladebrook High School 1984-6;³ Willesden High School 2000) indicated how asbestos management failures led to staff and pupils remaining in areas where the asbestos had been disturbed by fire (William Gladstone full report page 25-26), boiler room deterioration (Sladebrook full report page 21-25) and an overnight asbestos ceiling collapse (Willesden High School full report page 27).
4. Investigations into the System Built Hay Lane School (2004-2009) and Sarah's old System Built double classroom hut known as Block 5 at Braintcroft Primary School (2004-8) found that although the asbestos in each was described as safe to manage, pupils and staff were potentially exposed to significant amounts of disturbed asbestos because Brent Council as Duty Holder:
 - a. Failed to do the required asbestos risk assessments to see if normal classroom activities could disturb the asbestos. See full report Risk assessments: *Hay Lane pages 34-35; Block 5 Braintcroft School pages 43-45.*
 - b. Failed to ensure compliance with the asbestos regulations regarding the management of contractors in six documented incidents that resulted in pupils, staff and contractors being potentially exposed to asbestos. See full report: *Hay Lane pages 37-40; Block 5 Braintcroft School pages 42-43; 47-48.*
 - c. Failed to comply with the urgent joint warning in 2006 from the DfE, HSE and LGE asking Brent Council to seal gaps in the columns (see figure 2 and 3) of their CLASP schools to prevent asbestos coming out into the classroom and corridors. Hay Lane was a CLASP Mk 4 school.

The HSE required Brent Council as Duty Holder to ensure columns were sealed in 2008 and served two Improvement notices regarding its inadequate inspection of asbestos materials and ineffective asbestos management in its schools. See full report page 33.
5. Investigation of Block 5 at Braintcroft Primary School (2004-2008) and Hay Lane (2004-2009) found asbestos described as safe to manage was being disturbed by building deterioration as well as by classroom and contractor activities. These disturbances meant pupils were potentially exposed to significant amounts of asbestos.

Some examples from the report are shown below:

³ Six Reports on Asbestos Management at Sladebrook School in the 1980s: www.hankroberts.org.uk

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Block 5 Braintcroft Primary School

The evidence outlined in the report showed that crocidolite wall panels in Block 5 had been disturbed by classroom and contractor activities, hut movement, water ingress via rotting window surrounds and attached fittings. Following NUT concerns and the Brent Council report Block 5 was demolished in 2008 because according to the Corporate Health & Safety Adviser it was impossible to manage the asbestos safely (see pages 45-46).

One of the pupils potentially exposed was Sarah's eldest son.

Hay Lane School

The substantial amount of friable hidden, presumed and inaccessible asbestos within the ceiling and wall voids and columns was probably disturbed at Hay Lane by normal classroom activities as well as contractor activities that did not comply with the regulations. **The potential for a high level of asbestos exposure at Hay Lane** was clearly demonstrated when an investigation by ITN appointed contractors in December 2007⁴ found that everyday classroom activities like knocking unsealed columns (see Figure 2) and opening and closing doors and windows produced so much asbestos they had to wear special gear including breathing apparatus (see Figure 3). Each pupil in this 5-18 Special School was potentially exposed for over a decade. See full report pages 29-32.

Dr Robin Howie, a member of WATCH, the government's advisory committee on science said in his opinion Hay Lane School was unsafe and the children were at an elevated level of risk of disease in future.⁵ Hay Lane was demolished in 2011. See full report page 33.

According to the Medical Research Council MRC the background asbestos fibre level in schools with asbestos in good condition is 0.0005f/ml. See full report page 58. . The Courts now accept that exposures above that level can materially increase the risk of mesothelioma developing. See full report page 15.

At Hay Lane and Block 5 Braintcroft School some of the asbestos was probably in a poor condition because of water ingress (see figure 4) and



FIGURE 2: HAY LANE SCHOOL COLUMN. ARROW SHOWS ONE OF THE UNSEALED VERTICAL GAPS



FIGURE 3: CONTRACTOR DRESSED FOR KNOCKING COLUMN AT HAY LANE.

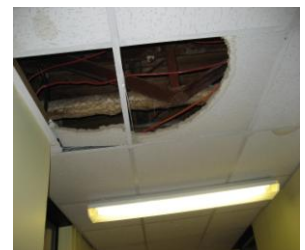


FIGURE 4: HOLES IN HAY LANE CEILING TILES MADE BY WATER LEAKS LET ASBESTOS PASS FROM CEILING VOID TO CORRIDOR

⁴ G&L Consultancy Ltd Report on Asbestos Investigation at Hay Lane School, Kingsbury, London on 15th/16th December 2007

⁵ The Daily Hazard. News from the London Hazard Centre. No 96. April 2008.

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inadequate maintenance. See full report Hay Lane School pages 36-37; Braintcroft School pages 45-46. It was therefore likely that asbestos levels were significantly above 0.0005f/ml.

CONCLUSIONS

The Joint Union investigation found that:

1. The main underlying cause of asbestos exposure in schools like Hay Lane and Block 5 Braintcroft School was the failure of surveys and risk assessments to identify all the asbestos that could be disturbed by normal school activities and building deterioration. See full report pages 55-56; pages 65-66.
2. The risk to children was also underestimated because Risk assessments, Clearance and Reassurance tests are designed for adults working with asbestos and not for long term exposure of children who are known to be more vulnerable. Full report page 58-59; 63-65.
3. Union Health & Safety Representatives and Advisers alerted Duty Holders to unsafe asbestos in most of the Brent schools investigated. Their actions reduced pupil asbestos exposure. See full report pages 52-53; 70-71.
4. Asbestos disturbance due to ineffective management of contractors, building deterioration, lack of asbestos awareness, surveys that fail to identify all the asbestos and Duty holders that underestimate the likelihood of asbestos disturbance is a national problem and not just a Brent school problem. See Full Report: *'Ineffective school asbestos management is a national problem'* page 54.
5. There was evidence of building deterioration at Hay Lane and Braintcroft schools that potentially placed pupils at risk. The report shows that in Brent and nationally the cost of maintenance and renovation involving asbestos in such system built schools can be exorbitant. See full report pages 66-68.
6. Freedom of Information documents suggest that concerns about the additional cost to schools and pupil disruption were underlying reasons for the inadequate survey requirements by government. In addition risk assessments were devised to prioritise management action and are not *'risk ratings'* according to the HSE. See full report p 63 - 65.
7. Duty Holders are not required to:
 - a. Inform parents about the asbestos in their child's school although their counterparts in the United States have been informed since 1987. See full report pages 60; 62.
 - b. Retain school asbestos records and exposure registers of pupils and school staff. These omissions discourage transparency and accountability and make it easier for Duty Holders like Brent Council and the government to deny all knowledge of asbestos when former pupils like Sarah develop mesothelioma.

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Continued government inaction over asbestos in schools means that up to 300 former pupils like Sarah will continue to develop mesothelioma each year simply because they went to school. If funding availability is the main obstacle to removing this silent killer from our schools then there should be open consultation and debate about how such funding can be increased but also in particular how it can be prioritized.

BRENT JOINT UNION RECOMMENDATIONS TO GOVERNMENT AND HSE

- A. The government should support the APPG and TUC recommended phased removal of all asbestos from all schools. There should be an audit of all asbestos to ensure that the most dangerous asbestos is removed first and the necessary funding provided, if needed. See full report pages 68-69; 76.
- B. There should be open consultation and debate about how the necessary funds can be obtained or prioritized for asbestos removal and safe management. See page 73.
- C. The asbestos audit should be based on:
 - a. UKAS accredited surveys that provide Material Assessments or a default worst case scenario value for all asbestos (accessible, inaccessible, hidden and presumed).
 - b. Risk Assessments, Reassurance and Clearance tests and Environmental levels which take into account the increased vulnerability of children and the type of asbestos. See full report pages 55-56; 63-66.
- D. Mandatory training, monitoring and inspections should be imposed to ensure that unsafe asbestos is being identified and managed so it does not place pupils at risk. See pages 57-58.
- E. Asbestos management should be transparent and demonstrate accountability so:
 - a. Duty Holders should be required to inform parents about the location and management of asbestos and keep records of any children exposed to asbestos. See full report p 60-63.
 - b. Duty Holders should be required to ensure that all documents relating to asbestos management such as asbestos registers, surveys, asbestos management plans and asbestos exposure records for staff and pupils are kept for at least 60 years. These documents should be accessible to all parents, former pupils and staff.

The full version of this report and the Executive Summary can be accessed via the NUT website at: <http://www.teachers.org.uk>